



VIOXX CONSUMER REFUND PROGRAM TO BE EXPANDED

On September 30, 2004, drug manufacturer Merck announced the immediate withdrawal of its blockbuster prescription pain drug, Vioxx, from the United States and global markets. Merck withdrew Vioxx because of reports that Vioxx substantially increased some Vioxx users' risks of heart attack and strokes.

Vioxx, also known as rofecoxib, belongs to a sub-group of non-steroidal anti-inflammatory drugs (NSAIDs) called COX-2 inhibitors. The FDA originally approved Vioxx in 1999 to treat arthritis pain, menstrual pain, and other severe pain in adults. The FDA subsequently approved Vioxx as a treatment for rheumatoid adults, and later for use by children. Merck marketed Vioxx as being safer for the gastrointestinal tract than traditional non-steroidal anti-inflammatory drugs. It has been reported that at the time Merck withdrew Vioxx from the US market; approximately 1.6 million Americans were taking the drug.

After Merck announced it was withdrawing Vioxx, the company created a consumer refund program. The program was designed to reimburse consumers for Vioxx they had on hand at the time of the recall. Among other things, the program required consumers to return all unused Vioxx to Merck in order to qualify for a refund.

While we were pleased to see that consumers would be reimbursed for unused Vioxx, we felt the refund program contained too many hurdles to jump before reimbursement would occur. For this reason, shortly after the program was announced, we joined Attorneys General for the states of Oregon, Connecticut, Illinois, Massachusetts, Ohio, and Vermont and contacted Merck. The Attorneys General told Merck they were concerned that the refund program was burdensome and unfair, in large part because it could exclude consumers who might have immediately destroyed Vioxx either on doctors' orders or because they were worried about keeping an unsafe drug in their medicine cabinets .

**WRITE TO: Greg Abbott, Office of the Attorney General, PO Box 12548,
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As a result of our joint efforts, Merck has now agreed to significantly alter its consumer refund program for unused Vioxx, effective December 10, 2004. Specifically, Merck has agreed to do the following for former Vioxx patients:

1. Provide consumers who have Vioxx, upon request, with prepaid mailers, which Merck can arrange to pick up at consumers' homes to avoid the consumer having to take the mailer to a post office.
2. Allow consumers who destroyed unused Vioxx to certify in writing that they had unused Vioxx on September 30, 2004, but that they later destroyed the product under doctors' orders or otherwise.
3. Allow consumers to file claims for a refund by March 31, 2005 (the former deadline was December 31, 2004).
4. Make a good faith effort to notify consumers about the refund program in future advertisements or print notices about Vioxx.
5. Through Merck's sales staff, contact rheumatologists and primary care doctors who would have prescribed Vioxx with information about the modified refund program that the doctors can then distribute to patients that were taking Vioxx.
6. Work with HMOs and pharmacies to mail out updated refund notices to consumers who purchased Vioxx and who may be eligible for a product refund.
7. Directly contact any consumers whose refund claims were rejected by Merck because the consumers did not return product, and tell those consumers they would be eligible to make a refund claim without returning product.

The Attorneys Generals' successful efforts to get these changes to the consumer refund program in no way relate to the marketing and promotion of Vioxx. Consumers seeking a refund for unused Vioxx should contact the Merck Refund Center (National Notification Center) at: (800) 805-9542. Additional refund information can be found at: www.vioxx.com/rofecoxib/vioxx/consumer/patient_refund_information.jsp.

If you are a former Vioxx user, I urge you to let us know if you have any difficulty filing a claim with Merck under the new program. You can file a complaint on our website at <http://www.oag.state.tx.us/consumer/consumer.shtml#file>.

Sincerely,



Greg Abbott, Attorney General of Texas

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